

REMARKS

Claims 1-66 are pending in the application. Applicant respectfully requests that the last claim be renumbered from claim 65 to 66 in the records of the Patent and Trademark Office. Claims 1, 29, 41, 26, 49, 52, 54, 58, 61, and 65 are the only independent claims.

Claims 1-65 stand subject to a Restriction Requirement according to which the Examiner has divided the claims into two groups, namely, Group I including claims 1-40, 46-51, and 58-65 directed to treatment methods and Group II containing claims 41-45 and 52-57 drawn to electromagnetic devices.

In response to the Restriction Requirement, applicant hereby elects the claims of Group I, i.e., claims 1-40, 46-51, and 58-65, for continued prosecution in the application.

The claims of Group I stand subject to a Species Election Requirement according to which the Examiner has further divided the claims of Group I into seven (7) species, namely, Species 1 drawn to claims 1-28, Species 2 drawn to claims 29-40, Species 3 drawn to claims 46-48, Species 4 drawn to claims 49-51, Species 5 drawn to claims 58-60, Species 6 drawn to claims 61-64, and species 7 drawn to claims 65 and 66

In response to the Species Election Requirement as directed to the claims of Group I, applicant hereby provisionally elects the claims of Species 1, i.e., claims 1-28, for continued prosecution in the application.

Applicant respectfully traverses the Election Requirement as applied to the claims of Group I on the grounds that the subject matter of Species 2 (claims 29-40), Species 5 (claims 58-60), Species 6 (claims 61-64), and Species 7 (claims 65, 66) are so related to the subject matter of Species 1 (claims 1-28) that the claims of those species would properly be examined together with claims 1-28 of Species 1.

With respect to Species 2, the subject matters of claim 29 on the one hand and claims 1 and 2 on the other hand are so similar that claim 29 is not patentably distinct

from claim 2. Claim 29 recites a pulse duration that is not explicitly recited in claims 1 and 2. However, the pulse or pulses of claims 2 inherently have a finite duration. Claims 30 and 31 are similarly considered not to be patentably distinct in view of claims 12 and 13, respectively. The recitations of claim 33, with the exception of the pulse duration, all appear in claim 2. The specific recitations of claim 34 are identical to those of claim 3. The limitations of claim 35 are found in claims 4 and 5. The specific recitations of claim 36 are identical to those of claim 7. The specific recitations of claim 37 are identical to those of claim 8. Claims 38 and 39 are not patentably distinct from claims 22 and 23, respectively. Only claims 32 and 40 of Species 2 recite subject matter that is not found in identical or closely related form in corresponding claims of Species 1.

With respect to Species 5, claims 58 and 59 recite subject matter that is considered obvious in view of the recitations of claims 22 and 23.

With respect to Species 6, the subject matter of claims 61 and 62 is considered to be obvious in view of the subject matter of claim 21. Transmitting light into a skin surface and parallel to that surface as indicated in claim 21 would suggest splitting a beam of light into two bundles as recited in claims 61 and 62.

With respect to Species 7, applying dye to hair for light treatment purposes is considered obvious in itself. The directing of light parallel to a skin surface to impinge on the dyed hair is obvious in view of claim 21.

For the foregoing reasons, applicant respectfully traverses the Election Requirement with respect to Species 2, 5, 6, and 7 being patentably distinct over Species 1. Applicant requests then that claims 29-40, and 58-66 be examined together with claims 1-28.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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